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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [RP](#)  
SUBJECT: PHILIPPINES -- 2009 TIP REPORT: PRESS GUIDANCE  
AND DEMARCHE

REF: A. (A) STATE 59732  
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Philippines of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of the Philippines and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of the Philippines of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of the Philippines, country narrative in the 2009 TIP Report:

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PHILIPPINES (TIER 2 WATCH LIST)  
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The Philippines is a source, transit, and destination country for men, women, and children trafficked for commercial sexual exploitation and forced labor. A significant number of Filipino men and women who migrate abroad for work are subjected to conditions of involuntary servitude in Bahrain, Brunei, Canada, Cote d'Ivoire, Cyprus, Hong Kong, Japan, Kuwait, Lebanon, Malaysia, Palau, Qatar, Saudi Arabia, Singapore, South Africa, Taiwan, Turkey, and the United Arab Emirates. Muslim Filipina girls from Mindanao were trafficked to the Middle East by other Muslims.

Filipinas are also trafficked abroad for commercial sexual exploitation, primarily to Hong Kong, Japan, Malaysia, Singapore, South Korea, and countries in Africa, the Middle East, and Western Europe. Internally, women and children are trafficked from poor farming communities in the Visayas and Mindanao to urban areas such as Manila and Cebu City, but also increasingly to cities in Mindanao, for commercial sexual exploitation or for forced labor as domestic servants or factory workers. An increasing number of women and children from Mindanao were trafficked internally and transnationally for domestic work. Traffickers used land and sea transportation to transfer victims from island provinces to major cities. A growing trend continued to be the use of budget airline carriers to transport victims out of the country. Traffickers used fake travel documents, falsified permits, and altered birth certificates. Migrant workers were often subject to violence, threats, inhumane living conditions, non-payment of salaries, and withholding of travel and identity documents. A small number of women are occasionally trafficked from the People's Republic of China, Russia, South Korea, and Eastern Europe to the Philippines for commercial sexual exploitation. NGOs suggested that organized crime syndicates, including syndicates from Japan, were heavily involved in Manila's commercial sex industry, where there are many domestic and some foreign victims of trafficking. International organized crime syndicates also transited trafficked persons from mainland China through the Philippines to third country destinations. Child sex tourism continues to be a serious problem for the Philippines, with sex tourists coming from Northeast Asia, Australia, Europe, and North America to engage in sexual activity with minors.

The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in convicting trafficking offenders, particularly those responsible for labor trafficking; therefore, the Philippines is placed on Tier 2 Watch List. Although there was an increase in the number of trafficking cases filed in court, only four trafficking convictions were obtained under the 2003 anti-trafficking law during the reporting period, and there were no reported labor trafficking convictions, despite widespread reports of Filipinos trafficked for forced labor within the country and abroad. The number of convictions for sex trafficking offenders is low given the significant scope and magnitude of sex trafficking within the country and to destinations abroad. Achieving more tangible

results in convicting trafficking offenders, and in investigating and prosecuting officials complicit in trafficking, is essential for the Government of the Philippines to make more progress toward compliance with the minimum standards for the elimination of trafficking.

Recommendations for the Philippines: Significantly improve efforts to prosecute, convict, and punish trafficking offenders, including officials complicit in trafficking; dedicate more resources to efforts to prosecute trafficking cases; assess methods to measure and address domestic labor trafficking; implement anti-trafficking awareness campaigns directed at domestic and foreign clients of the sex trade in the Philippines; dedicate increased funding for the Inter-Agency Council Against Trafficking (IACAT) and improve anti-trafficking coordination between government agencies; disseminate information on the 2003 law throughout the country; and train law enforcement officers and prosecutors on the use of the 2003 law.

#### Prosecution

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The Philippine government demonstrated sustained but inadequate efforts to convict trafficking offenders during the reporting period. The Philippines criminally prohibits trafficking for both sexual and labor exploitation through its 2003 Anti-Trafficking Persons Act, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The government has convicted twelve individuals of trafficking since the passage of this act, all for sex trafficking offenses. During the reporting period four individuals in three cases of sex trafficking were convicted in Philippine courts; three of the convictions were a result of cases filed and prosecuted by an NGO on behalf of victims under an approach where the Philippines allows private attorneys to prosecute cases under the direction and control of public prosecutors. One convicted trafficker was sentenced to life imprisonment, and the remaining three were sentenced to 20 years, imprisonment, in addition to fines and damages. In December 2008, after a four-year trial, a judge acquitted an accused trafficker charged with transporting minors from Mindanao to Manila with the intent of forcing them into prostitution because the minors were rescued before they were actually forced into prostitution. The case is being appealed. NGOs report that an impediment to successful trafficking prosecutions is the lack of understanding of trafficking among judges, prosecutors, and especially law enforcement officers, some of whom have limited knowledge of using evidence to build cases. The government did not convict any offenders of labor trafficking during the reporting period. Philippine law enforcement agencies reported 168 alleged trafficking cases to the Department of Justice (DOJ) in 2008, of which prosecutors initiated prosecutions in 97 of the cases, an increase of more than 60 percent over the prior year. The remaining cases remain under preliminary investigation or were dismissed for lack of evidence or witnesses, or on other grounds. In November 2008, the Philippine government assisted Malaysian authorities in the case of a Singaporean recruiter who allegedly trafficked Filipina women to Malaysia for commercial sexual exploitation.

The government's ability to effectively prosecute trafficking crimes is severely limited by an inefficient judicial system and endemic corruption. Despite a 2005 Department of Justice circular instructing that all trafficking cases receive preferential attention, trials often take years to conclude, because of a lack of judges and courtrooms, high judge turnover, and non-continuous trials, which cause some victims to withdraw their testimony. Prosecutors with the DOJ's Anti-Trafficking Task Force handle trafficking cases along with many other types of cases, but receive special training to handle trafficking cases. A high vacancy rate among judges significantly slowed trial times further. In 2008, the Philippine Overseas Employment Agency (POEA) filed 318 administrative cases against licensed labor recruiters who used fraudulent and

deceptive offers to entice job seekers abroad or imposed inappropriately high or illegal fees on prospective employees. There were seven convictions under the illegal recruitment law in 2008.

Corruption among law enforcement agents remained pervasive, and some law enforcement and immigration officers were complicit in trafficking and permitted organized crime groups involved in trafficking to conduct their illegal activities.

It is widely believed that some government officials were directly involved in or profited from trafficking operations within the country. Law enforcement officers often extracted protection money from illegitimate businesses, including brothels, in return for tolerating their operation. During the reporting period, there were several reports of immigration officials involved in the trafficking of Filipinos overseas. The government conducted investigations during the year into official complicity or involvement in trafficking, but cases were still pending. The government did not prosecute or convict any officials for trafficking-related corruption during the reporting period. In September 2008, an Immigration officer was apprehended for her alleged role in aiding the trafficking of 17 Mindanao children to Syria and Jordan, but charges against her were dropped due to insufficient evidence. The 2005 case of police officer Dennis Reci, charged for allegedly trafficking minors for commercial sexual exploitation at his night club in Manila, was still pending in early 2009.

#### Protection

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The Philippines government continued to provide support services to victims of human trafficking, including through sustained partnerships with NGOs and international organizations. Police sometimes brought charges of vagrancy against victims, despite laws that seek to ensure that victims are not penalized for crimes related to acts of trafficking. The government actively encouraged victims to assist in the investigation and prosecution of trafficking and related crimes, but the financial and emotional costs of prolonged and delayed court proceedings, which may take place in other provinces, often deterred victims from doing so. Fear of retaliation by their traffickers sometimes led victims to recant their testimony. Although the government offered victims modest protection from reprisals and economic dislocation, a lack of funding and awareness prevented victims from being offered more effective incentives for assisting in prosecutions of trafficking offenders. The government provides temporary residency status, relief from deportation, shelter, and access to legal, medical, and psychological services to trafficking victims. The Department of Social Welfare and Development operated 42 temporary shelters for victims of all types of crimes throughout the country that were available to trafficking victims. The Philippine Ports Authority provided buildings and amenities at halfway houses for trafficking victims at seven ports, which were managed by an NGO. The Manila International Airport Authority and a partner NGO opened a halfway house at the Ninoy Aquino International Airport in 2008. The Department of Foreign Affairs (DFA) extended assistance to Philippine citizens trafficked abroad and managed repatriations. The Department of Labor and Employment (DOLE) deployed 40 labor attaches who served in embassies around the world to help protect migrant workers. DOLE operated 20 Filipino Worker Resource Centers in 17 key labor destination countries, providing services and shelter to Filipinos who have suffered abuse or trafficking conditions. In addition, DOLE's Overseas Workers Welfare Administration (OWWA) continued to send welfare officers abroad to support the work of labor attaches. The IACAT released a manual on the recovery and reintegration of trafficking victims and developed national performance standards for government handling of cases of violence against women, including trafficking.

#### Prevention

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The Philippine government demonstrated continued efforts to

raise awareness and prevent trafficking in persons, mainly for migrant workers, during the reporting period. In 2008, POEA conducted 1,250 pre-employment orientation seminars for over 60,000 departing overseas Filipino workers and trained approximately 130 local government units on how to identify warning signs of illegal recruitment and human trafficking, representing a significant increase over the number of local government units trained in 2007. POEA also trained diplomatic staff and overseas labor and social welfare officers in methods for assisting trafficking victims abroad.

Since its establishment in 2004, the government has not provided funding to IACAT. While lacking a substantial budget, the IACAT cooperated with NGO anti-trafficking initiatives, including a road-show campaign against human trafficking in Mindanao. IACAT continued to support the creation of local IACAT councils and created model anti-trafficking local ordinances. The government continued to turn over suspected U.S. citizen child sex tourists to the U.S. government for prosecution in the United States. The government did not make any efforts to reduce the demand for child sex tourism. Prior to deployment of troops for peacekeeping operations, the Department of National Defense and the Philippine National Police conducted seminars and training for peacekeepers, including a training module on trafficking. The government routinely provided training on anti-trafficking and victim protection to personnel bound for overseas assignments. In 2008, DFA, with support from an international NGO developed a computer-based, anti-trafficking course that trained 350 foreign service officers. The government did not make any other efforts to reduce the demand for commercial sex acts in the Philippines, despite the country's thriving commercial sex industry; nor did the government take discernable steps to address the demand for forced labor.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a



"Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was the Philippines downgraded to Tier 2 Watch List?

A: The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in convicting trafficking offenders, particularly those responsible for labor trafficking; therefore, the Philippines is placed on Tier 2 Watch List. Although there was an increase in the number of trafficking cases filed in court, only four trafficking convictions were obtained under the 2003 anti-trafficking law during the reporting period, and there were no reported labor trafficking prosecutions or convictions, despite widespread reports of Filipinos trafficked for forced labor within the country and abroad. The low number of convictions for sex trafficking offenders is also inadequate given the significant scope and magnitude of sex trafficking within the country and to destinations abroad.

Q2: What progress has the Philippines made in the past year?

A: The Philippines government continued to provide support services to victims of human trafficking, including through sustained partnerships with NGOs and international organizations. The Manila International Airport Authority and a partner NGO opened a halfway house at the Ninoy Aquino International Airport in 2008. The Department of Foreign Affairs (DFA) continued to assist Philippine citizens trafficked abroad and managed repatriations. The Department of Labor and Employment (DOLE) deployed 40 labor attaches who served in embassies around the world to help protect migrant workers. DOLE operated 20 Filipino Worker Resource Centers in 17 key labor destination countries, providing services and shelter to Filipinos who have suffered abuse or trafficking conditions. The Philippine government also demonstrated continued efforts to raise awareness and prevent trafficking in persons, mainly for migrant workers, during the reporting period.

Q3: What efforts could the Philippines make to improve its fight against trafficking in persons?

A: The Government of the Philippines could: significantly improve efforts to prosecute, convict, and punish trafficking offenders, including officials complicit in trafficking; dedicate more resources to efforts to prosecute trafficking cases; assess methods to measure and address domestic labor trafficking; implement anti-trafficking awareness campaigns directed at domestic and foreign clients of the sex trade in the Philippines; dedicate increased funding for the Inter-Agency Council Against Trafficking (IACAT) and improve anti-trafficking coordination between government agencies; disseminate information on the 2003 law throughout the country; and train law enforcement officers and prosecutors on the use of the 2003 law.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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